



ROCHESTER POLICE DEPARTMENT

INVESTIGATIVE ACTION REPORT
NARRATIVE ONLY

CR #

2013-00278924

DETAIL	Victim's Name (Last, First, Middle) or Name of Business	Location of Offense		PSA
	Moseley, Jack, M	19 Roslyn ST		53
	Date/Time of Occurrence	Offense / Charge / Incident (Most Recent Classification)		
	09/25/2013 20:00	Robbery 1st		

On above date at about 2015 hours, Ofc. Hogg requested my assistance in investigating a just occurred robbery wherein he had detained two individuals in relation to this investigation at 22 Bradburn St. I first responded to the scene and spoke with (V) who explained he had been sitting on his front steps playing with his White Iphone 4 when he observed (S) standing at the corner of Genesee St/Roslyn St. (V) stated that he got a good look at (S) approaching him and described (S) as a m/b, dark skin, about 19 YOA, chin strap beard, thin build, about 5'7 wearing a gray hoody (hood up), blue jeans, and tan timberland boots. (V) states that (S) pointed a black automatic pistol that "Looked like the one you have" at his head then stated "Gimme what you got" and "Empty your pockets" relieving him of said Iphone 4 then reaching into his pockets to take two \$5 bills and a pack of Seneca cigarettes. (V) stated that the (S) then fled s/b on Genesee St trailed by a m/b about the same age, 6'4, heavy build with a gray hoody trailing him on a bike as if they were leaving together. (V) stated that he would be able to recognize (S) and this other male by face if he saw them again. I requested that Ofc. Glynn stay with (V) and that Ofc. Klein check the cameras at the store at Genesee St/Magnolia St (done with negative results).

I then responded to the corner of Genesee St/West High Ter where Ofc. Hogg and Watson had the following unhandcuffed in the back of their patrol cars:

Aaron M Hinds (10-3-91) 31 Bradburn St wearing a gray "Aeropostale" hoody and about 6'4 230 lbs
Anthony D Miller (6-21-92) 607 Birr St wearing a red hoody, blue wind pants, and tan unlaced "Timberland" style boots.

I first asked Hinds his pedigree information and he explained that (S) Miller had come to his house about 10-15 minutes before the police stopped him while (S) Miller was trying to get his phone from "James Harris" at 22 Bradburn St. Hinds seemed calm and was cooperative.

I then spoke with (S) Miller and immediately recalled that he had confessed his involvement to me in several cell phone "Snatch and grab" thefts setup via craigslist in 2010 and I had charged him with four separate grand larceny 4th's and a petit larceny. I also recalled that some of these incidents had occurred in the Sawyer St and Brooks Ave areas which is the general area where the k-9 track ended at 873 Genesee St. I asked (S) Miller his full pedigree information and noted that he appeared to be breathing rapidly as if very nervous. (S) Miller stated he was visiting his friend Hinds at 31 Bradburn St and walked over to 22 Bradburn St to "Get his phone" from "James Harris". I noted that (S) Miller matched the precise physical description given to me by (V) but with the exception of the tan boots had a different clothing description. I know it is a common criminal practice to change clothing and secrete stolen items immediately after a Robbery and advised Ofc. Hogg that I would be returning to the scene to setup a show-up identification.

I returned to 19 Roslyn St and (V) again confirmed that he would be able to recognize the two males he described to me. I asked (V) if he would be willing to look at two individuals who may or may not have been involved in the incident and he agreed. I had (V) sit in the rear of my unmarked patrol car parked on the south side of the lit street about 20 feet away from the brick porch the (V) had been sitting on. I then gave (V) standard viewing instructions and instructed Ofc. Hogg to walk the unhandcuffed Hinds to the edge of the brick porch at 2050 hours after I requested Ofc. Prinzi move his patrol car west of us so it was not visible. As Hinds walked over trailed by about 10 feet by Ofc.

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Hogg (V) spontaneously stated "I want to make sure I'm right before I get anybody in trouble". At 2051 hours, (V) identified Hinds as the male he observed on the bike trailing in (S) stating "That was the guy on the bike". This procedure was repeated in the same manner with the unhandcuffed (S) Miller at 2054 hours. After asking for (S) to complete a full turn, (V) stated "That's him the guy that robbed me he just changed clothes". I advised Ofc. Hogg of the results of the show-up and he took (S) into custody and transported him to the fourth floor while I deposed (V).

At the conclusion of this, Inv. Corriea and I spoke to the unhandcuffed Hinds outside of the patrol car after informing him that he was not being charged with any crime. Hinds stated that he was alone in his house when his friend (S) arrived about 10-15 minutes before the police stopped the pair. Hinds stated (S) never came into his house and was wearing the same clothes that he had on now. Hinds stated that (S) Miller had walked to the location and gave written consent to search his home (SEE CONSENT CARD). After this search was conducted with Hinds by Inv. Corriea and I, Hinds again stated that he and (S) Miller had walked to 22 Bradburn St to get (S) Miller's phone from "James Harris". Hinds also stated that (S) Miller had called Harris from Hinds phone before going to the location. I asked Hinds for Harris's phone # and he stated it would be under his name in his cell phone. I asked Hinds if I could look at his outgoing call list to confirm that (S) Miller had called "James". Hinds agreed and when he showed me his outgoing call list no such entry existed. Hinds explained that he wasn't sure that (S) Miller made the call but had told him he had.

Ofc. Prinzi, Inv. Corriea, and I then approached 22 Bradburn St at about 2200 hours. Despite the location being lit as if people were inside nobody would answer the repeated knocks and door bell rings.

I then responded to the 4th floor to interview (S) and I requested that PSA Rupp check the city camera at Genesee/Sawyer for useful footage which he did with negative results. Ofc. Hogg advised me that (S) Miller was unhandcuffed and had just been allowed to use the bathroom (SEE INTERVIEW FORM). I entered the interview room and (S) Miller stated he recognized me from our prior interactions. (S) stated he had not used drugs or alcohol and had completed high school. I read (S) his Miranda rights off of the standard RPD rights card and he waived same (SEE RIGHTS CARD).

I then had a verbal conversation with (S) where, in sum and substance, he explained that he had walked to Hinds home from his residence at 607 Birr St and hung out with him outside of it (never going in) about two hours prior to the stop. I explained that this is a long distance to walk with unlaced boots and asked him to retrace his route. (S) stated that he walked down an unknown side street near Dewey Ave straight to an unknown street near Orange St then ended up walking down this unknown street to Genesee St. (S) stated that he had been hanging out in the driveway of 22 Bradburn St for about an hour using the wi-fi connection of the home to send text messages on the deactivated cell phone he had in his possession. I then explained that (V) had identified him as the man that robbed him, pointed out his unlaced boots, and the multiple reasons he had given for his presence at 22 Bradburn St. (S) denied the allegations and upon Tech. Dapson entering to photograph him became abusive stating "Fuck you I'm not talking to you anymore". I immediately ceased the interview and upon exiting (S) shouted various taunts including "Dickhead" and "Fuck you I'll see you at trial". (S) was transported to booking by Ofc. Hogg.

A check of google maps revealed that the most direct route from 607 Birr St to 31 Bradburn St was about 1.5 hours each way.

Closed by arrest.

Reporting Officer	IBM #	Date	Reviewed By
WENGERT	NOLAN	1853	09/26/2013

MCDA000990